

S.B. CIVIL WRIT PETITION NO.5333/2004

Bhanwar Lal and others

vs.

Civil Judge (JD) (West), Bhilwara and another.

Date : 6.7.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. NK Rastogi, for the petitioners.

Mr. Ravi Bhansali, for the respondent no.2.

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Heard learned counsel for the parties.

The petitioner is aggrieved by the order dated 27.11.1996 by which the trial court dismissed the application filed under Section 10 CPC.

It appears that there are total three suits. One of which was filed in the Court of Assistant Collector, Bhilwara by Municipal Council, Bhilwara seeking declaration and possession of land in question whereas the petitioners filed suit in the Court of Assistant Collector, Headquarter, Bhilwara seeking relief of injunction and in this suit, impleaded one Om Prakash as party defendant. Om Prakash filed the suit in the Court of Civil Judge (JD) (West), Bhilwara for declaration and injunction.

The petitioners submitted application under Section 10

CPC for staying proceedings of the subsequent suit filed by Om Prakash. The trial court dismissed the said application on the ground that the land is recorded as revenue land and the Municipal Council has filed the suit for declaration that the land may be declared abadi land.

It appears from the impugned order dated 27.11.1996 that the court below has considered the relevant aspect of the matter and thereafter refused to stay the further proceedings in the suit filed by Om Prakash.

Learned counsel for the respondent submitted that the suit filed by the Municipal Council has already been decided by now in favour of Municipal Council.

In view of the above, I do not find any reason to interfere in the impugned order under writ jurisdiction.

Accordingly, this writ petition, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya